

City of Arkadelphia
Board of Zoning Adjustment and
Planning Commission Meeting
June 9, 2022 at 5:30 p.m.
City Hall Boardroom, 700 Clay Street
Arkadelphia, Arkansas 71923

AGENDA

1. Call the Board of Zoning Adjustment to order.
2. Staff Report for Bird & Bear Properties, Inc.'s requests
3. Public Hearing to consider a request by Bird & Bear Properties Inc. to reduce the setback required for a freestanding sign at 2101 Pine Street.
4. Adjourn Board of Zoning Adjustment
5. Call the Planning Commission to order.
6. Consider the May 12, 2022 Planning Commission minutes.
7. Building Department Report, DeAnna Graves
8. Other business
9. Adjourn Planning Commission



Building Department Manager
DeAnna Graves
700 Clay St.
Arkadelphia, AR 77923
Ph: (870) 246-1818
deanna.graves@arkadelphia.gov

Date: June 2, 2022

To: Board of Zoning Adjustment

Cc: Gary Brinkley, City Manager; City Board of Directors: and Ed McCorkle, City Attorney

From: DeAnna Graves, Building Department Manager

A handwritten signature in blue ink, appearing to be 'dg', is written over the name 'DeAnna Graves'.

Re: Public hearing to consider a variance request from the sign regulations at 2101 Pine Street

Bird & Bear Properties, Inc., owners of Legacy Termite and Pest, are requesting a variance to reduce the property line setback on a freestanding sign at 2101 Pine Street.

Due to the expansion of Pine Street, Legacy Termite & Pest needs to relocate their sign to the west side of the property. They are requesting to install the freestanding sign 6 feet from the property instead of the required 10 feet to avoid having the sign in the parking lot.

As required, a legal notice was published in The Standard and adjacent property owners were notified. Staff has received no objections to the requests.

Land Use Ordinance B-425, Art. 7-4, Variance

- A. The Board shall hear requests for variance from the literal provisions of the zoning ordinance in instances where strict compliance to the provision of the ordinance would cause undue hardship due to the circumstances unique to the individual property under consideration.
- B. The Board may grant variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the zoning ordinance.
- C. The Board shall not permit as a variance any use in a zone that is not permitted under this ordinance.
- D. The Board may impose conditions in the granting of the variance to insure compliance and to protect adjacent property.

Staff recommends you approve the variance request to reduce the required property line setback from 10' to 6' for a freestanding sign located on the west side of the property at 2101 Pine St.

CITY OF ARKADELPHIA
APPLICATION FOR HEARING

TO THE ARKADELPHIA BOARD OF ZONING ADJUSTMENT:

Application is hereby made to the Arkadelphia Board of Zoning Adjustment pursuant to the Arkansas laws, Act of 186 of 1957, Acts of Arkansas, as amended, requesting a hearing related to the following described property:

- 1) Please attach legal description: 93.73' of Lot 3 of McNutt Addition
- 2) Street address or approximation thereof: 2101 Pine Street
- 3) Title of this property is vested in Bird & Bear Properties, Inc.

Address: 2101 Pine Street, Arkadelphia, Arkansas 71923

There are no deed restrictions pertaining to the variance or appeal requested herein. Any restrictions are

described _____

- 4) The hearing is requested for the following reason:

- () Appeal from a decision of the City Engineer concerning his interpretation of the zoning regulations.

Explain: _____

Zoning Article # _____

- (X) Request for a variance from the zoning regulations due to unique characteristics of the property.

Explain: Requesting to reduce the required setback for a pole sign from 10' to 6' in a C-2 Highway Commercial District

Zoning Article # 5-12.M.2.b

- 5) A map of the subject property is enclosed herewith as a means of illustrating the problem of concern. Where applicable, the map shows (1) the approximate dimensions of property lines and adjoining rights-of-way, (2) approximate outline location of buildings with appropriate dimensions, and (3) land uses and owners' names of adjacent properties.
- 6) It is understood that the Notice of Public Hearing will be published at least 7 days prior to said hearing in a newspaper of general circulation in the City. A publication fee of fifty dollars (\$50.00) and a filing fee of five dollars (\$5.00) will be paid to the Building Department. Total fees \$55.00.

\$55.00 received on
Receipt # 9014

Check # 3373
Rec'd by: LT

- 8) It is understood by the applicant that the Board of Zoning Adjustment may request that additional notice of said public hearing be given to certain interested persons and organizations.
- 9) Submit original with attachments to the City Engineer at least **ten working days prior to hearing date**. Use Additional sheets if above spaces are inadequate.
- 10) Under penalties of perjury, I declare that I have examined this petition, including accompanying materials and statements, and to the best of my knowledge and belief, it is true, correct and complete.

Respectfully submitted,

Signature of applicant

Greg M. Heflin

Address

2101 Pine Street Arkadelphia, AR 71923

Telephone

(870) 245-5666 (office) (501) 772-2846 (cell)

(Do not write below this line)

CITY OFFICIAL:

Date: 5/2/2022

Filing Date 5/9/22

Are all ten points of application in order? yes

Required number of copies mailed? yes

Time and date of public hearing 5:30 p.m. June 9, 2022

Notice published (newspaper and date) The Southern Standard 5/19/2022

Copy attached? yes

Application approved by the Board of Zoning Adjustment? _____

Date: _____ Reasons: _____

Board's action was () was not () appealed to a court of record:

Date appealed _____

Court of record action on appeal _____

Signature of City Official _____

Date _____

LEGAL NOTICE

The Board of Zoning Adjustment will hold a public hearing on June 9, 2022 at 5:30 p.m. in the Town Hall Boardroom, 700 Clay Street, Arkadelphia, Arkansas to hear Bird & Bear Properties, Inc.'s request to reduce the required setback for a freestanding sign at 2101 Pine Street. All interested parties may be heard at said time and place or may notify the Board of Zoning Adjustment by letter of their views on this matter. The application is on file for public inspection in the Building Department at 700 Clay Street. Dated this 11th day of May 2022.

By: Samantha Roybal, City Clerk.

APPROXIMATE LOCATION 8" WATER LINE PER CITY PLANS

CENTERLINE ARK. HWY #8- PINE STREET

SANITARY SEWER
MANHOLE
TOP- 85.97
INVERT-79.67

6" SEWER
PER CITY PLANS
S 88°51'E 336'

EDGE
ASPHALT

4' SIDEWALK

WATER
METER

RAILROAD
SPIKE FD.

R/W PER AHTD
JOB 070439

1/2" REBAR
CAP 999
SET

1/2" REBAR
CAP 999
SET

S88°39'23"E
78.16'

*= 6' Setback Variance
Request*

N

BASIS FOR
BEARINGS
GPS 088

7300 SQ. FT. +-

N00°51'05"E
93.92'

S01°44'29"W
94.72'

CHAIN LINK
FENCE

POB

1/2" REBAR
SET

N88°03'36"W
76.70'

N88°03'36"W
17.03'

2101 Pine St

SE/C
LOT 3
S.R. McNUTT'S
NAIL SET

GRAPHIC SCALE

1" = 20'

LEGEND

MONUMENT FOUND Δ
MONUMENT SET \square
DATE: 4/13/2022
SCALE: 1 IN. = 20 FT.
FILENAME: LEGACY22

I MICHAEL S. MILEY DO HEREBY CERTIFY THAT TH
THE PROPERTY AS DETERMINED BY A SURVEY MADE
ANY VISIBLE ENCROACHMENTS ARE AS SHOWN ON PL
WAY ARE AS SHOWN ON PLAT AND NOT TO EXISTENC
ACCURATE TITLE SEARCH WOULD DISCOVER. THIS
CLIENT OR CLIENTS NAMED HEREON AND DOES NOT

Bird & Bear Properties, Inc.

Legacy Termite & Pest Control

2101 Pine Street



Bird & Bear Properties, Inc.
for
2101 Pine Street

Item 9. (3) Land uses and owners' names for all lands abutting the boundaries of the subject property

Property Address	Land Use	Owner's Name	Owner's Address
2012 Pine Street	Commercial	Happy Land Child Care Center	2012 Pine Street Arkadelphia, AR 71923
2100 Pine Street	Residential	Vera Roberts	P.O. Box 7122 Bloomington, IN 47407
Parcel # 74-01955-003	Res. Vacant	Barbara J Bernard Carl F Bernard	P.O. Box 5182 Somerset, NJ 08873
133 N 21 st Street	Residential	John M Hardin Geneva M Hardin	517 Hiscock Street Ann Arbor, MI 48103



Building Department Manager
DeAnna Graves
700 Clay St.
Arkadelphia, AR 77923
Ph: (870) 246-1818
deanna.graves@arkadelphia.gov

May 16, 2022

Dear Property Owner:

This letter is to notify you of the variance request submitted by Bird & Bear Properties, Inc. to reduce the required setback for a freestanding sign at 2101 Pine Street. This property is located in a C-2 Highway Commercial District and adjacent to property you own.

LEGAL NOTICE

The Board of Zoning Adjustment will hold a public hearing on June 9, 2022 at 5:30 p.m. in the Town Hall Boardroom, 700 Clay Street, Arkadelphia, Arkansas to hear Bird & Bear Properties, Inc.'s request to reduce the required setback for a freestanding sign at 2101 Pine Street. All interested parties may be heard at said time and place or may notify the Board of Zoning Adjustment by letter of their views on this matter. The application is on file for public inspection in the Building Department at 700 Clay Street. Dated this 11th day of May 2022. By: Samantha Roybal, City Clerk.

Please feel free to call the Building Department for additional information.

Sincerely,

A handwritten signature in cursive script that reads 'DeAnna Graves'.

DeAnna Graves

Encl. (2)

7020 0640 0001 3511 4691

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$3.75
 \$ **3.75**

Extra Services & Fees (check box, add fee as appropriate)
☒ Return Receipt (hardcopy) \$ **3.05**
☐ Return Receipt (electronic) \$ **0.00**
☐ Certified Mail Restricted Delivery \$ **0.00**
☐ Adult Signature Required \$ **0.00**
☐ Adult Signature Restricted Delivery \$ **0.00**

Postage \$ **.58**
 \$ **0.58**

Total Postage and Fees \$ **7.38**

Sent To **Barbara Bernard**
 Street and Apt. No., or PO Box No.
P.O. Box 5182
 City, State, ZIP+4®
Somerset, N.S. 08873

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

0924 10
 Postmark Here
 17
 2022
 USPS 71923

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Happy Land Child Care
2012 Pine Street
Arkadelphia, AR 71923

2. Article Number (Transfer from service label)
7020 0640 0001 3511 4677

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION

A. Signature


B. Received by (Printed Name)

D. Is delivery address different? If YES, enter delivery address

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)

9590 9402 7228 1284 1731 15

7020 0640 0001 3511 4677

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$3.75
 \$ **3.75**

Extra Services & Fees (check box, add fee as appropriate)
☒ Return Receipt (hardcopy) \$ **3.05**
☐ Return Receipt (electronic) \$ **0.00**
☐ Certified Mail Restricted Delivery \$ **0.00**
☐ Adult Signature Required \$ **0.00**
☐ Adult Signature Restricted Delivery \$ **0.00**

Postage \$ **.58**
 \$ **0.58**

Total Postage and Fees \$ **7.38**

Sent To **Happy Land Child Care**
 Street and Apt. No., or PO Box No.
2012 Pine St
 City, State, ZIP+4®
Arkadelphia, AR 71923

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

0924 10
 Postmark Here
 17
 2022
 USPS 71923

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

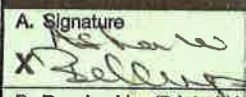
- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
John M Hardin
Geneva M Hardin
517 Hiscock Street
Ann Arbor, MI 48103

2. Article Number (Transfer from service label)
7020 0640 0001 3511 4660

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature


B. Received by (Printed Name)
Geneva Hardin

D. Is delivery address different? If YES, enter delivery address

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)

9590 9402 7228 1284 1731 08

7020 0640 0001 3511 4660

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$3.75
 \$ **3.75**

Extra Services & Fees (check box, add fee as appropriate)
☒ Return Receipt (hardcopy) \$ **3.05**
☐ Return Receipt (electronic) \$ **0.00**
☐ Certified Mail Restricted Delivery \$ **0.00**
☐ Adult Signature Required \$ **0.00**
☐ Adult Signature Restricted Delivery \$ **0.00**

Postage \$ **.58**
 \$ **0.58**

Total Postage and Fees \$ **7.38**

Sent To **John Hardin**
 Street and Apt. No., or PO Box No.
517 Hiscock St
 City, State, ZIP+4®
Ann Arbor, MI 48103

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

0924 10
 Postmark Here
 17
 2022
 USPS 71923

7020 0640 0001 3511 4684

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Bloomington IN 47407

OFFICIAL USE

Certified Mail Fee	\$3.75
\$ 3.75	
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 3.05
<input type="checkbox"/> Return Receipt (electronic)	\$ 0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 0.00
<input type="checkbox"/> Adult Signature Required	\$ 0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 0.00
Postage	\$0.58
\$.58	
Total Postage and Fees	\$7.38
\$ 7.38	



Sent To Vera Roberts
Street and Apt. No., or PO Box No. P.O. Box 7122
City, State, ZIP+4® Bloomington, IN 47407

REGULAR CALLED MEETING
PLANNING COMMISSION/BOARD OF ZONING ADJUSTMENT

Board Room **May 12, 2022** **5:30 P.M.**

MEMBERS:

Diedra Middleton
Llewellyn Terry (absent)
Bill Phelps
Lawrence Phillips
Tom Tobin (absent)
Gracie Neal (absent)
Terry Roberts
Matt Johnson

OTHERS:

Gary Brinkley, *City Manager*
Samantha Roybal, *City Clerk*
DeAnna Graves, *Building Dept. Manager*
Lainie Thomason, *Recorder*

CALL TO ORDER

Bill Phelps called the Board of Zoning meeting to order at 5:38 p.m.

PUBLIC HEARING TO CONSIDER AN APPEAL REQUEST FOR MICHAEL CHERRY 5:41 P.M.- 5:48 P.M.

Michael Cherry is requesting to operate a home occupation at 5 Lexington Circle. This doesn't correspond with the zoning of the area, which is R-1.

Caitlin Elder spoke on the request.

Staff reported one letter was received in opposition to this request and Mr. John Morgan and Mrs. Becky Morgan were present and spoke in opposition to the request.

A motion was made by Diedra Middleton, seconded by Matt Johnson, to uphold the decision of the building official and deny the request of a home occupation in an R-1 zoning district at 5 Lexington Circle.

The motion passed on a roll call vote and the vote was as follows:

Diedra Middleton	“Aye”	Lawrence Phillips	“Aye”
Llewellyn Terry	“Absent”	Gracie Neal	“Absent”
Bill Phelps	“Aye”	Terry Roberts	“Aye”
Tom Tobin	“Absent”		
Matt Johnson	“Aye”		

ADJOURNMENT

A motion was made by Lawrence Phillips, seconded by Terry Roberts to adjourn the Board of Zoning at 5:50 p.m.

CALL TO ORDER

Bill Phelps called the Planning Commission meeting to order at 5:50 p.m.

**APPROVAL OF PLANNING COMMISSION/BOARD OF ZONING
ADJUSTMENT MINUTES FROM APRIL 14, 2022**

A motion was made by Lawrence Phillips seconded by Matt Johnson to approve the minutes from the April 14, 2022, Planning Commission/Board of Zoning Adjustment meeting.

The motion passed on a roll call vote and the vote was as follows:

Diedra Middleton	“Aye”	Lawrence Phillips	“Aye”
Llewellyn Terry	“Absent”	Gracie Neal	“Absent”
Bill Phelps	“Aye”	Terry Roberts	“Aye”
Tom Tobin	“Absent”		
Matt Johnson	“Aye”		

ADJOURNMENT

There being no further business to discuss, Terry Roberts made the motion, seconded by Diedra Middleton to adjourn. **The motion passed unanimously, and the meeting adjourned at 5:59 p.m.**

Bill Phelps, Vice-Chairman

Lainie Thomason, Recorder

ADDITIONAL ATTENDEES

Michael Cherry
Caitlin Elder-Cherry
John Morgan
Becky Morgan

***BUILDING DEPARTMENT STAFF REPORT**

June 2, 2022

DEVELOPMENT IN PROCESS:

- 2005 Pine Street Tate Temple COGIC — Interior work in process, finish concrete and pave parking lot next week
- 2859 Walnut Ouachita Valley Meats – framing in process
- OBU Apartments – 830 Hickory interior work in process
810 Hickory Rough in on Electrical & HVAC are done.
- 101 Aspen Cove - interior work in process
- 223 N 5th Street Nursing Education Center – Interior is 99% complete, exterior is delayed by 3 to 4 weeks.
- 134 N 14th Street Unique Barber Shop – ARDOT awarding bid to remove old structure
- 605 S 10th Street Health Dept. – framing in process
- 203 N 10th Street Tiger Mart – excavation in process and plans should be ready by 6/13/2022
- 1111 Hwy 67 S Siplast project – framing work is complete
- 3002 Pine Street Lucky Liquor – painting & flooring done, cooler installed
- 2850 Twin River Drive Dr. Kluck's office – Needs final inspection done next week
- 214 N 25th Street Vet Clinic – interior framing done, wiring in process
- 3050 Twin Rivers Drive Hospital – MRI building remodel no updates
- 2750 Pine Street Suite 6 B – interior work to be completed in 3 weeks.
- 1709 Westgate – remodel due to tree damage – demo done
- Sturgis Ball Field – Demolition of buildings to be done

FUTURE PROJECTS

- Single Family Dwelling 109 Birch Cove – waiting on site plan
- 46 Stephenwood – Waiting on plans
- 29 Stephenwood – Should close this week and waiting on plans
- 1313 N 10th St – Arkadelphia Glass and Mirror (received part of the plans, need replat document signed)
- Airport FBO – waiting on plans
- Need replat document for Pine Street Project and plans – Scott Nelson